

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAKESH DIXIT,

Plaintiff,

v.

C.A. No. 05-10379-JLT

CORE, INC.,

Defendant.

FURTHER MEMORANDUM AND ORDER
RE: MOTION FOR APPOINTED COUNSEL AND
ISSUANCE OF SUMMONS

On March 2, 2005 this Court issued a Memorandum and Order denying Plaintiff's application to proceed in forma pauperis and directing her to pay the filing fee within thirty-five (35) days. The Court also denied Plaintiff's request for appointment of counsel.

On March 29, 2005 Plaintiff paid the \$250 filing fee and also renewed her request for appointment of counsel (#5).¹

For the reasons previously set forth in the March 2, 2005 Memorandum and Order, Plaintiff's renewed request for appointment of counsel is again Denied. This Court has previously determined that Plaintiff does not qualify for *in forma pauperis* status. Additionally, notwithstanding that Plaintiff has been unable to secure counsel after making efforts, she still has not demonstrated the type of exceptional circumstances warranting appointment of Pro Bono counsel in this action at this time. The denial is without prejudice to renew after the Defendant has filed a responsive pleading, and upon a

¹Plaintiff also stated some proposed modifications to the prior Memorandum and Order, with respect to the date of filing, and her income. Those changes are noted, however, they do not materially alter the prior rulings set forth in the Memorandum and Order.

showing of exceptional circumstances warranting appointment of counsel, other than those previously asserted. The clerk is directed to provide Plaintiff with this Court's lawyer referral list, in the event Plaintiff wishes to make additional attempts to secure Pro Bono counsel. Finally, because Plaintiff has complied with the Memorandum and Order, and paid the filing fee in this action, this Court will allow this case to proceed, and directs the clerk to issue a summons to the Plaintiff, for service of process on the defendant Core, Inc. For information regarding service of process, Plaintiff is directed to Rules 4, 4.1, and 5 of the Federal Rules of Civil Procedure, and Local Rule 4.1. Since Plaintiff has not been found to be entitled to *in forma pauperis* status, Plaintiff shall bear all costs of service of process. The clerk shall provide Plaintiff with this Court's forms in the event she wishes to have the United States Marshal serve the defendant (at her expense).

Plaintiff is advised that she is responsible for ensuring proper service on the defendant within 120 days of issuance of the summons; failing which, this action is subject to dismissal.

Dated: April 5, 2005

/s/ Joseph L. Tauro
JOSEPH L. TAURO
UNITED STATES DISTRICT JUDGE